

**Testimony of Deborah M Phillips**  
**Chairman of The Voting Integrity Project**  
**April 25, 2001**  
**Committee on House Administration**  
**Election Reform Hearing**

My name is Deborah Phillips, and I am founder and Chairman of The Voting Integrity Project, a national non-partisan voter rights organization. For the past five years, we have studied and documented a wide range of problems relating to elections, and concluded that America doesn't have an election equipment problem, so much as it has an election *system* problem — that is, the entire end-to-end process for delivery of elections.

Although there are many areas deserving of attention, we consider one to be paramount: The basic data used by the system is fundamentally flawed. Perfect counts are meaningless when based upon faulty registration rolls.

When Congress passed the National Voter Registration Act in 1993, it placed a huge unfunded federal mandate on the shoulders of America's election directors to make the registration process as convenient and open as possible. However, NVRA failed to provide sufficient tools to election directors to guarantee the integrity of the voter rolls.

America's registration and voting is now conducted largely on the "honor system." You are not asked to prove your identity, residence or qualifications when registering. There is only a simple attestation form signed by the voter. There is no way to prevent duplicate registrations — especially across county and state lines. There is no easy, inexpensive or reliable way to identify unqualified or no-longer-qualified registrations. One person can easily register multiple times and vote through the mails.

That is why voter rolls today nationwide are filled with the dead, unqualified or no-longer-qualified, or fictitious persons. Once lodged on voter rolls or identified as unlikely to vote, such names can be used to commit election fraud.

Most jurisdictions do not require any form of identification at the polls. Those that do can be easily thwarted. And the growing use of mail-in absentee ballots has only exacerbated the problem. Election directors have a very limited ability, under federal law, to prevent or detect such fraud.

How extensive is the problem? Such faulty rolls were used by campaign workers in Miami's mayoral race in 1997 to create 5,000 fraudulent absentee ballots. That same year in California, officials estimated 10-25% of their voter rolls were contaminated. A criminal investigation in Los Angeles in 1998 found as many as 16,000 fictitious voters registered by paid "collectors."

In the year 2000 alone:

More than 15,000 dead people were found on Georgia's active voting records

As many as 1 in 5 voter registrations on Indiana voter rolls were found to be bogus.

In Tulsa Oklahoma hundreds of dead and felon registrants were identified on the voter rolls and many had voted.

A recent St Louis Missouri investigation found 3,000 registrations submitted by one collector just before a deadline were fraudulent.

There have been instances reported where the number of registrants defies logic. In 1998 Alaska had 66,000 more registered voters than Census estimates of its voting age population.

This problem could not be more urgent and yet, despite the mounting evidence, there are those who argue that such levels of data corruption result in few actual documented cases of election fraud. This is not because such fraud does not occur. It has more to do with the understandably high evidentiary thresholds and short time frames in state law for election contests, combined with the reality that few losing candidates have the stomach or resources to press such cases — even when there is overwhelming evidence. Criminal prosecutions require enormous resources, are divisive, and unlikely to result in the kind of convictions that will aid political careers. Federal law enforcement authorities are notoriously blase about election related offenses.

In 1998, for example, the FBI declined to investigate 39 forged absentee ballots from personal care homes in Fayette County Pennsylvania. It took a local prosecutor two years to indict three defendants who plea-bargained the charges down to misdemeanors — a frequent occurrence in such cases. At the end of that period, the community had to ask VIP's assistance to cleanse its data rolls because it did not have the necessary funds to pay for expensive commercial services.

And such services are imperfect and identify only "questionable" registrations. In Florida last year, some jurisdictions purged mis-identified voters without performing necessary due diligence, resulting in the disenfranchisement of legitimately registered voters. Other jurisdictions refused to purge based on faulty data rolls and permitted invalid registrants to vote. **Neither scenario is acceptable.**

The greatest irony is that the NVRA's reliance on non-election personnel to gather and process registrations may have resulted in record numbers of legitimate registrants being denied their franchise in 2000. Georgia is investigating such a case now, involving large numbers of minority students registered by a community organization. NVRA's recommended "fail safe" procedures failed these voters.

State and local election officials need more tools and greater resources to ensure that their voter rolls are reliable. We believe that it is possible, with federal leadership, to construct an election environment that will protect voter rights across the board by ensuring that only qualified Americans are registered to vote. Without that, no amount of money spent on new technology will improve the integrity of our elections. The Voting Integrity Project supports bipartisan legislative efforts that create on-going resources for the states in this regard.

I am grateful to the Committee on House Administration for convening this hearing. I hope that the Members can work together, across party lines, to help the states guarantee free and fair elections in the future. Thank you.